

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA §
§
Plaintiff-Respondent. §
§
VS. § CRIMINAL ACTION NO. H-10-0108
§
TITO JIMENEZ, §
§
Defendant-Petitioner, §
§
(Civil Action No. H-12-1553) §

ORDER

On August 1, 2012, this court granted the government's motion to dismiss and denied Jimenez's motion to vacate sentence under 28 U.S.C. § 2255. (Docket Entry No. 174). This court also denied a certificate of appealability because Jimenez failed to make a substantial showing of the denial of a constitutional right.

Jimenez's motion for certificate of appealability, (Docket Entry No. 177), is denied as moot. Jimenez's motion to proceed in forma pauperis, (Docket Entry No. 168), is granted.

SIGNED on August 14, 2012, at Houston, Texas.



Lee H. Rosenthal
United States District Judge